

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

Robert Miller 866 293

Plaintiff's Name and ID Number

Hodge unit 379 FM 2972 Rusk, TX 75785

Place of Confinement

✓ University of Texas Medical Branch Galveston TX CASE NO. 1:20cv173 MT-ZH
(Clerk will assign the number)

v. John McDaniel Hodge unit 379 FM 2972 Rusk, TX 75785

Defendant's Name and Address

Lorenzo B usfos Hodge unit 379 FM 2972 Rusk, TX 75785

Defendant's Name and Address

Swanpierson Hodge unit 379 FM 2972 Rusk, TX 75785

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2019 unsure of date
2. Parties to previous lawsuit:
 Plaintiff(s) Robert Miller
 Defendant(s) John McDaniel ET AL
3. Court: (If federal, name the district; if state, name the county.) EASTERN
4. Cause number: unsure officers threw my lawsuit away
5. Name of judge to whom case was assigned: John D. Love
6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed
7. Approximate date of disposition: 2019 unsure of date

- II. PLACE OF PRESENT CONFINEMENT: Hodge unit 379 FM 2972 Rusk, TX
III. EXHAUSTION OF GRIEVANCE PROCEDURES: Grievance investigator refuses to respond to grievances 75785

Have you exhausted all steps of the institutional grievance procedure? YES ☐ NO ☒

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Robert Miller 866293 Hodge unit 379 FM 2972 Rusk, TX, 75785

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: University of Texas Medical Branch Hospital Galveston TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. University of Texas Medical Branch is sued for how it treats its drs, nurse

Defendant #2: John McDaniel warden Hodge unit 379 FM 2972 Rusk, TX, 75785

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you. John is sued for 15 counts of attempted premeditated murder

Defendant #3: Lorenzo Bustos Sargeant Hodge unit 379 FM 2972 Rusk, TX, 75785

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you. Lorenzo is sued for violating 15 counts of attempted premeditated murder

Defendant #4: Frank Leonard doctor Hodge unit 379 FM 2972 Rusk, TX, 75785

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Frank is sued for 15 counts of attempted premeditated murder

Defendant #5: Sarah Pierson nurse's practitioner Hodge unit 379 FM 2972 Rusk, TX, 75785

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Sarah is sued for 15 counts of attempted premeditated murder

Lorenzo Bustos Frank Leonard Sarah Pierson violated the 8th amendment acted with deliberate indifference to my serious medical needs resulted in permanent irreparable harm

V. STATEMENT OF CLAIM (CONTINUED)

(2) In his individual capacity in his official capacity for violating the eighth amendment acting with deliberate indifference to my serious medical needs he knows that Bustos and medaides deliberately placed my life in imminent danger by refusing me my H.I.V. medication. I have fallen AIDS I have had painful sores in my mouth I'm losing my vision, I'm rapidly dying. (3)

Sarah is Sued under color of State law in her individual capacity in her official capacity for violating the eighth amendment acting with deliberate indifference to my serious medical needs for deliberately placing my life in imminent danger. It has caused me severe mental anguish severe mental distress. Defendants criminal actions resulted in permanent irreparable harm. I want punitive damages against all 3 defendants. I want Judge to strip them of their official positions. I want Judge to order Dr. Leonard to immediately transfer me to Montford unit. I want Jeff Blackburn appointed to represent me and I want immediate payment of compensatory damages.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

(1) University of Texas Medical Branch issued under color of state law in its official capacity in its individual capacity for how it trains its doctors. (2) Lorenzo Busto is sued under color of state law in his official capacity in his individual capacity for manipulating nurses into stop giving me my H.I.V. meds for violating the eighth amendment factor with deliberate indifference to my serious medical needs for attempted premeditated murder. (3) Frank Leonard issued under color of state law

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want \$20 million in compensatory damages I want Judge to ask Dr. Leonard to immediately transfer me to Montford unit Defendants pay all filing fees I want Jeff Blackburn to represent me

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Guero Bobby Robert

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

482955 572332 866293

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 4/21/20

DATE

Robert Miller

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 21st

(Day)

day of April

(month)

, 20 20

(year)

Robert Miller

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

*URGENT WITNESSED

To: Dr. Leonard Date: 4/8/20
* "Please" forward to Dr. Leonard a.s.a.p.

Someone @ medical is trying to slowly kill me
they went and stole my white H.I.V. pill from pill
window by commissary. MY H.I.V. meds are supp-
osed to be "in-stock" never to expire I have
reason to believe that Sgt. Bustas who hates me
manipulated black female pill nurses to steal
my H.I.V. pills. Will you "please" "begging" you
make sure I get my H.I.V. pills. I'm dying of aids
as a result of pill nurses refusing to give me H.I.V.
me. for 15 days now medical is denying me medical

CW "Your sick call request (SCR) has been screened by Medical and has been
determined not to be emergent or urgent. Due to pandemic COVID-19, to limit
unit movement and enhance your safety, all non-emergent/non urgent requests
will be deferred. All medication renewals will continued to be reviewed. In the
meantime, you may resubmit a SCR if your symptoms worsen."

RECEIVED APR 19 2020

Chf

Name: ROBERT MILLER No: 866243 Cell: F210B

*URGENT WITNESS ED

To: Medical Supervisor Date: 4/8/20

Someone stole my white H.I.V. pill from pillroom it is a in-stock medication and "never" to expire. I know y'all are allowing Sgt. Bustos to intervene in my serious medical needs, he's behind this. Medaides pill nurses refused to give me my H.I.V. meds for 15 days as a result I'm slowly dying of aids I have full blown aids and now y'all are denying me medical attention. "please" I'm "begging" y'all make sure I get my white H.I.V. pill. I'm dying I'm going blind who took my white H.I.V. pill from pillroom?
 *Please respond a.s.a.p.
 Name: Robert Miller No: 766293 cell: F210 B
 you are getting ALL of your meds. *CR*

RECEIVED APR 19 2020

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
EASTERN DISTRICT BEAUMONT DIVISION

Robert Miller 866293

CASE No. _____

V

Plaintiff

University of Texas Medical Branch ET AL,

Defendants

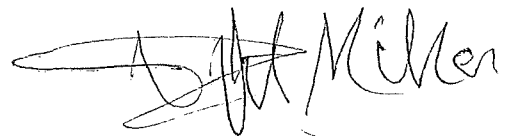
MEMORANDUM OF STATE LAW

Sargeant Lorenzo Bustos deliberately placed my life in imminent danger by manipulating med aides into refusing me my H.I.V. medications he also tampered with a government record by logging on computer that I received H.I.V. meds. I have full blown AIDS I have painful sores in my mouth I have no taste in 3 days I'm unable to swallow food I'm losing my vision. AIDS is rapidly killing me. I desperately need to be @ Montford unit where I can have 24 hour medical. And "Please" I'm begging this Judge not to transfer this lawsuit to the Tyler Division because that court warned me not to file an informal pauper's lawsuit it will dismiss my lawsuit. Beaumont division has jurisdiction to order Dr. Leonard to immediately transfer me to Montford unit. I'm dying please take immediate action. I want this court to appoint Jeff Blackburn to represent me and set this case for jury trial. I did file this memorandum of law

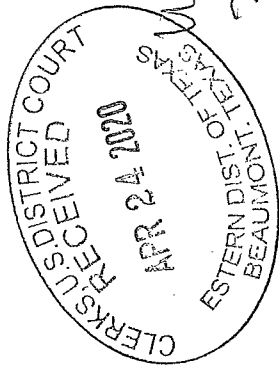
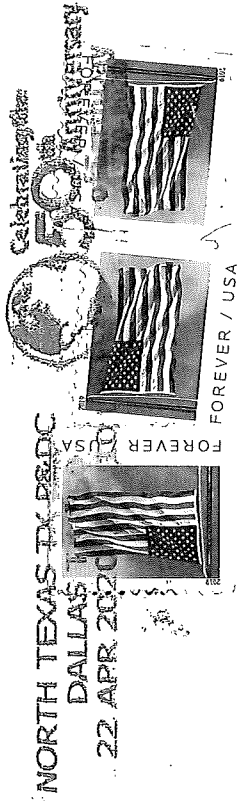
Robert Miller 866293

Hodge unit 379 TM 2972

Rusk Tx.
75785

 Miller

Mr. Robert H. Miller 866293
Hodgewright 379FM 2972
Rusk, TX
75785



CLERK
UNITED STATES DISTRICT COURT
300 WILLOW STREET, SUITE 104
BEAUMONT, TEXAS

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